

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4 -----x
5 UNITED STATES OF AMERICA, : Criminal Action No.
6 versus :
7 MELVIN PALMA FLORES, : December 16, 2021
8 Defendant. : Volume IV of IV
9 -----x

10 The above-entitled Jury Trial was heard before the
11 Honorable Rossie D. Alston, Jr., United States District Judge

12 A P P E A R A N C E S

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22 United States District Court
23 401 Courthouse Square
24 Tenth Floor
25 Alexandria, VA 22314

1 **P R O C E E D I N G**

2 (Court proceedings commenced at 9:12 a.m.)

3 THE COURT: Back on the record in the United States
4 of America versus Melvin Palma Flores.

5 Counsel for Mr. Palma Flores is present as are
6 counsel for the government. This matters comes on today for
7 consideration of the deliberation of the jury.

8 We can go ahead and bring them in Ms. Tinsley.

9 (Jury present.)

10 THE COURT: Good morning, ladies and gentlemen.

11 THE JURY: Good morning.

12 THE COURT: Obviously, you've begun your
13 deliberations. I have to ask you the question that I always
14 have to ask typically, since we had the evening between when
15 we were last in court, were all of you able to live up to the
16 Court's instructions and not to discuss the case or any aspect
17 of the case with anyone?

18 THE JURY: Yes.

19 THE COURT: All have confirmed. Ladies and
20 gentlemen, as we said yesterday, Ms. Tinsley is going to be
21 your liaison. I am actually trying to run two dockets at the
22 same time today. So I will be going up and down the elevator
23 dealing with other things, but we will be able to maintain
24 contact with you as we're trying to facilitate making sure
25 everyone gets justice.

1 The thing that we made -- need to make sure that
2 we're clear on is that you all cannot discuss the case or any
3 aspect of the case unless you all are in the jury room
4 together having an opportunity to fully participate.

5 Ladies and gentlemen, once again, if you have any
6 questions coordinate them through Ms. Tinsley and we will
7 answer them as quickly and as expeditiously as we can.

8 Thank you. You may now return.

9 (Jury dismissed.)

10 THE COURT: All right. You all may be seated.

11 Counsel, we're doing something logistically that
12 have nothing to do with the substance of this matter. We're
13 going to let the jury deliberate in another area because it
14 will make it more efficient for security. As I have
15 indicated, I'm going to be running another docket in 601. And
16 so, we are making some changes to accommodate that. But
17 obviously, this matter is the priority. If you could make
18 sure that you stay reasonably close. If we have something
19 come up, we're going to come back to this courtroom, not 601.
20 So just come back here.

21 Any questions?

22 MR. JENKINS: No, Your Honor.

23 MR. BEN'ARY: No, Your Honor.

24 THE COURT: Thank you. Mr. Palma Flores, you remain
25 satisfied with the services of Mr. Jenkins?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Thank you, sir. I remand you to the
3 United States Marshal.

4 (Recess.)

5 (Court proceedings resumed at 12:10 p.m.)

6 THE COURT: Let the record reflect that it is 12:10
7 p.m. If we could, in the back, no one comes in after this.
8 Anybody that needs to come in, needs to come in now. There's
9 someone standing out there.

10 It's 12:11 p.m. on December 16, 2021. We have
11 received information that the jury has reached a verdict.
12 Ms. Tinsley, if you can bring the jury in.

13 (Jury present at 12:11 p.m.)

14 THE COURT: Madam foreperson, has the jury reached a
15 verdict?

16 THE FOREPERSON: Yes.

17 (Verdict passed to the Court.)

18 THE COURT: The verdict is properly confirmed. I'll
19 ask the clerk to please read the verdict. You may stand, sir.

20 THE DEPUTY CLERK: Case No. 2020-142. United States
21 of America versus Melvin Palma Flores.

22 As to Count 1, possession with intent to distribute
23 marijuana, we the jury find the defendant, Melvin Palma
24 Flores, guilty.

25 As to Count 2, the use of a firearm in and relation

1 to a drug trafficking offense resulting in death by first
2 degree murder, we the jury find the defendant, Melvin Palma
3 Flores, guilty.

4 As to Count 3, witness tampering, we the jury find
5 the defendant, Melvin Palma Flores, guilty.

6 Signed by the foreperson and dated December 16,
7 2021.

8 Ladies and gentlemen of the jury, is this your
9 unanimous verdict?

10 THE JURY: Yes.

11 THE COURT: Kerry Smith, is this your verdict?

12 THE JUROR: Yes.

13 THE DEPUTY CLERK: Andrew Bubb-Clarke, is this your
14 verdict?

15 THE JUROR: Yes.

16 THE DEPUTY CLERK: Christopher Impink, is this your
17 verdict?

18 THE JUROR: Yes.

19 THE DEPUTY CLERK: Megan Chaney, is this your
20 verdict?

21 THE JUROR: Yes.

22 THE DEPUTY CLERK: Jimena Sanjines, is this your
23 verdict?

24 THE JUROR: Yes.

25 THE DEPUTY CLERK: Marc Mesmer, is this your

1 verdict?

2 THE JUROR: Yes.

3 THE DEPUTY CLERK: Nicholas Choate, is this your
4 verdict?

5 THE JUROR: Yes.

6 THE DEPUTY CLERK: Larry Nelson, is this your
7 verdict?

8 THE JUROR: Yes.

9 THE DEPUTY CLERK: Lauren Robey, is this your
10 verdict?

11 THE JUROR: Yes.

12 THE DEPUTY CLERK: Roger Casey, is this your
13 verdict?

14 THE JUROR: Yes.

15 THE DEPUTY CLERK: Dennis Sumlin, is this your
16 verdict?

17 THE JUROR: Yes.

18 THE DEPUTY CLERK: And Peter Toman, is this your
19 verdict?

20 THE JUROR: Yes.

21 THE COURT: Ladies and gentlemen, thank you for your
22 service. As I indicated earlier when we first started this
23 trial, jury service is the most important thing, maybe next to
24 voting, that we can do. I really appreciate your
25 attentiveness as did the parties to the litigation.

1 At this point, you're free to discuss the case with
2 anyone if you choose to do so. Your responsibility, as far as
3 silence is concerned, is over.

4 Oftentimes, attorneys, and I know I did this when I
5 was a young attorney, would contact members of the jury, not
6 to necessarily question their verdict, but rather to ask them
7 what they could do to maybe do better. We're always looking
8 to improve. And sometimes attorneys do that just to get a
9 sense of what was maybe effective, what was not effective so
10 that they can actually improve their art. Obviously, it is in
11 your discretion to choose whether to speak with anyone or not.

12 Oftentimes, during the deliberation of a case,
13 individuals of a jury will reveal confidences, things that
14 they don't necessarily want to be shared with the public
15 generally. So I would ask that you all protect the
16 confidences of anyone who said anything that was personal or
17 private.

18 I thank you for your service. We still have your
19 lunches available for you. You can take them with you if you
20 choose to or you can eat them there. But the bottom line is
21 this, thank you for your service. It was so very important.
22 I wish you happy holidays. I wish you safety, I wish you
23 grace, and I thank you again for the service that you provided
24 to this Court.

25 Thank you, ladies and gentlemen.

1 (Jury dismissed.)

2 THE COURT: You may be seated.

3 Counsel, I've been presented an order directed to
4 maintain all exhibits offered and admitted in the above case
5 entitled by either party during and following trial and appeal
6 period and it is ordered that the clerk is hereby relieved of
7 all responsibility for said exhibits and that upon request of
8 the clerk, the custodian of the exhibits shall deliver said
9 exhibits to the clerk forthwith. I've entered that order.

10 Is there any objection?

11 MR. BEN'ARY: No, Your Honor.

12 MR. JENKINS: No.

13 THE COURT: Very good. I'll direct that that be
14 made a part of the court record.

15 Mr. Jenkins, we need to schedule a sentencing date.

16 MR. JENKINS: Yes, Your Honor.

17 THE COURT: As you know we're both very busy in
18 April, May, and June.

19 MR. JENKINS: Yes.

20 THE COURT: The probation department has asked for
21 between 90 and 105 days which put us somewhere around March
22 16th unless you want to go out further.

23 MR. JENKINS: Well, Your Honor, I think I will be
24 engaged in the Reccless Tiger RICO case before Judge O'Grady
25 at that time. I don't know if Judge O'Grady plans to sit on

1 Fridays, but traditionally he does not. So without having my
2 calendar with me I'm confident that I will be available on a
3 Friday, and then, as the Court knows, I begin the MS-13 RICO
4 case in April.

5 THE COURT: I don't have any problem generally with
6 it, but we have tried to do, as shared occupants of this
7 building with other judges, we try to stay off of other
8 judge's dates to reduce the foot traffic in the courthouse,
9 and I believe Judge O'Grady day is Friday. My day is
10 Wednesday. I can work around it and I'll be more than willing
11 to sit and wait for you to finish your business with Judge
12 O'Grady, but I don't want to get blamed for increasing foot
13 traffic in the courthouse.

14 MR. JENKINS: That's fine, Your Honor. That's my
15 only limitation, is that I know we begin February 4th there
16 about. And that's supposed to be eight weeks also. That's
17 supposed to take me right up to the MS case.

18 THE COURT: Goodness. Based on the nature of the
19 charges by which your client was convicted, do you have any
20 problem maybe to extend it out until June?

21 MR. JENKINS: I do not, Your Honor.

22 THE COURT: And obviously that's because of the
23 circumstances, the changed circumstances that we have now that
24 he is a convicted individual who will remain in the charge of
25 the court pending his sentencing date.

1 MR. JENKINS: Yes, Your Honor.

2 THE COURT: How about June 29?

3 MR. JENKINS: Again, without the benefit of my
4 calendar, but I'm fairly confident that that would be
5 acceptable, June 29.

6 MR. BEN'ARY: Your Honor, if there arises a
7 scheduling conflict between now and then we'll get together
8 and --

9 THE COURT: Get together and work it out.
10 Obviously, Mr. Jenkins, because we set the sentencing date out
11 a while some of the applicable rules suggest that your client
12 is entitled to a sentencing prior to that date.

13 Are you waiving that on his behalf?

14 MR. JENKINS: We are, Your Honor.

15 THE COURT: So we'll set this matter for June 29th,
16 2022 by 11 a.m. by agreement of all parties.

17 Mr. Palma Flores, your lawyer has suggested that
18 what he wants to do, so that he can better prepare for your
19 sentencing date on June 29th, is carry the case out a ways so
20 that he can better prepare. Do you have any objection to
21 that, sir?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Okay. June 29th at 11:00 a.m. Sir, do
24 you remain satisfied with the services of your counsel?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Thank you, sir.

2 June 29, 2022 at 11:00 a.m. All right. I'll remand
3 you to the custody of the United States Marshals. Counsel, if
4 you can remain. Gentlemen if you can step him back.

5 (Defendant excused.)

6 THE COURT: Counsel, it's a thing that we used to do
7 at the Court of Appeals of Virginia and the Fourth Circuit.
8 Customarily, it is my tradition whenever I have good lawyers
9 do a good job in a case and present -- advocate on behalf on
10 their interest in the case for me to come down and personally
11 shake their hands.

12 (Judge shake parties hands.)

13 MR. BEN'ARY: Thank you, Your Honor.

14 MR. JENKINS: Thank you, Your Honor.

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16 **(Proceedings adjourned at 12:20 p.m.)**

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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Jury Trial in the case of the **UNITED STATES OF AMERICA versus MELVIN PALMA FLORES**, Criminal Action No.: 1:20-cr-142, in said court on the 16th day of December, 2021.

I further certify that the foregoing 12 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, my computer realtime display, together with the backup tape recording of said proceedings to the best of my ability.

15 In witness whereof, I have hereto subscribed my
16 name, this June 9, 2023.

Tonia M. Harris